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*Selections from Polybius’ Historiae*

. . . As for the Roman constitution, it had three elements, each of them possessing sovereign powers: and their respective share of power in the whole state had been regulated with such a scrupulous regard to equality and equilibrium, that no one could say for certain, not even a native, whether the constitution as a whole were an aristocracy or democracy or despotism. And no wonder: for if we confine our observation to the power of the Consuls we should be inclined to regard it as despotic; if on that of the Senate, as aristocratic; and if finally one looks at the power possessed by the people it would seem a clear case of democracy. What the exact powers of these several parts were, and still, with slight modifications, are, I will now state.

The Consuls, before leading out the legions, remain in Rome and are supreme masters of the administration. All other magistrates, except the Tribunes, are under them and take their orders. They introduce foreign ambassadors to the Senate; bring matters requiring deliberation before it; and see to the execution of its decrees. If, again, there are any matters of state which require the authorization of the people, it is their business to see to them, to summon the popular meetings, to bring the proposals before them, and to carry out the decrees of majority. In the preparations for war also, and in a word in the entire administration of a campaign, they have all but absolute power. It is competent to them to impose on the allies such levies as they think good, to appoint the Military Tribunes, to make up the roll for soldiers and select those that are suitable. Besides they have absolute power of inflicting punishment on all who are under their command while on active service: and they have authority to expend as much of the public money as they choose, being accompanied by a quaestor who is entirely at their orders. A survey of these powers would in fact justify our describing the constitution as despotic, - a clear case of royal government. Nor will it affect the truth of my description, if any of the institutions I have described are changed in our time, or in that of our posterity: and the same remarks apply to what follows.

The Senate has first of all the control of the treasury, and regulates the receipts and disbursements alike. For the Quaestors cannot issue any public money for the various departments of the state without a decree of the Senate, except for the service of the Consuls. The Senate controls also what is by far the largest and most important expenditure, that, namely, which is made by the censors every *lustrum* for the repair or construction of public buildings; this money cannot be obtained by the censors except by the grant of the Senate. Similarly all crimes committed in Italy requiring a public investigation, such as treason, conspiracy, poisoning, or willful murder, are in the hands of the Senate. Besides, if any individual or state among the Italian allies requires a controversy to be settled, a penalty to be assessed, help or protection to be afforded, - all this is the province of the Senate. Or again, outside Italy, if it is necessary to send an embassy to reconcile warring communities, or to remind them of their duty, or sometimes to impose requisitions upon them, - or to receive their submission, or finally to proclaim war against them, - this too is the business of the Senate. In like manner the reception to be given to foreign ambassadors in Rome, and the answers to be returned to them, are decided by the Senate. With such business the people have nothing to do. Consequently, if one were staying at Rome when the Consuls were not in town, one would imagine the constitution to be a complete aristocracy: and this has been the idea entertained by many Greeks, and by many kings as well, from the fact that nearly all the business they had with Rome was settled by the Senate.

After this one would naturally be inclined to ask what part is left for the people in the constitution, when the Senate has these various functions, especially the control of the receipts and expenditure of the exchequer; and when the Consuls, again, have absolute power over the details of military preparation, and an absolute authority in the field? There is, however, a part left the people, and it is a most important one. For the people is the sole fountain of honour and of punishment; and it is by these two things and these alone that dynasties and constitutions and, in a word, human society are held together: for where the distinction between them is not sharply drawn both in theory and practice, there no undertaking can be properly administered, - as indeed we might expect when good and bad are held in exactly the same honour. The people then are the only court to decide matters of life and death; and even in cases where the penalty is money, if the sum to be assessed is sufficiently serious, and especially when the accused have held the higher magistracies. And in regard to this arrangement there is one point deserving especial commendation and record. Men who are on trial for their lives at Rome, while sentence is in process of being votes, - if even only one of the tribes whose votes are needed to ratify the sentence has not voted, - have the privilege at Rome of openly departing an condemning themselves to a voluntary exile. Such men are safe at Naples or Praeneste or at Tibur, and at other towns with which this arrangement has been duly ratified on oath.

Again, it is the people who bestow office on the deserving, which are the most honorable rewards of virtue. It has also the absolute power of passing or repealing laws; and most important of all, it is the people who deliberate on the question of peace or war. And when provisional terms are made for alliance, suspension of hostilities, or treaties, it is the people who ratify them or the reverse. These considerations again would lead one to say that the chief power in the state was the people's, and that the constitution was a democracy.

Such, then, is the distribution of power between the several parts of the state.